

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT WHITELEY and HARRY BERGER,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

ZYNERBA PHARMACEUTICALS, INC.,
ARMANDO ANIDO, and JAMES E.
FICKENSCHER,

Defendants.

Case No. 2:19-cv-04959-NIQA

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MOTION TO DISMISS
THE AMENDED CLASS ACTION COMPLAINT**

Defendants Armando Anido, James E. Fickenscher, and Zynerba Pharmaceuticals, Inc. (collectively, "Defendants"), by and through their undersigned counsel, hereby move to dismiss the Amended Class Action Complaint with prejudice pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act ("PSLRA"). In support of this motion, Defendants incorporate by reference the accompanying Memorandum of Law and Declaration of Michael S. Doluisio, dated April 23, 2020, and exhibits attached thereto.

WHEREFORE, Defendants respectfully request that this Court grant their Motion to Dismiss the Amended Class Action Complaint with Prejudice.

Dated: April 23, 2020

Respectfully submitted,

/s/ David H. Kistenbroker

David H. Kistenbroker

(admitted *pro hac vice*)

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